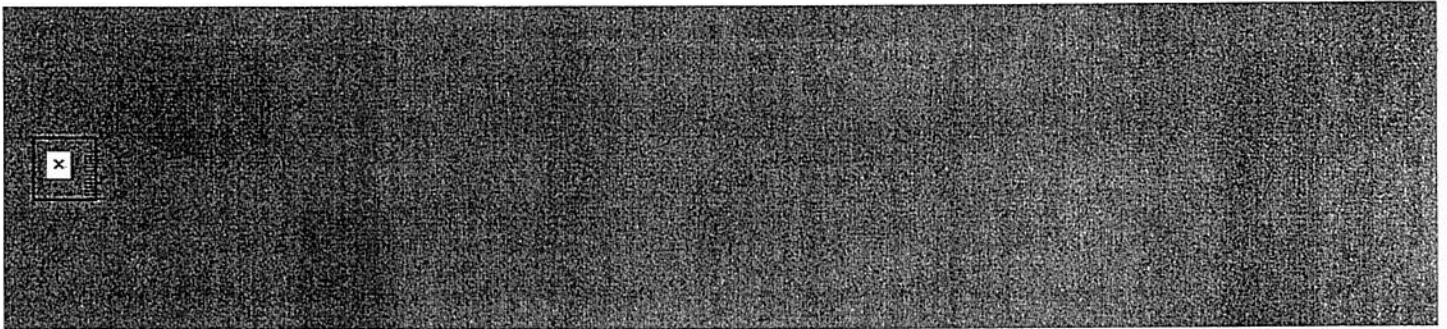


## Duffy, Rick

---

**From:** energy@morningconsult.cpro30.com on behalf of Morning Consult  
<energy@morningconsult.com>  
**Sent:** Thursday, June 25, 2015 9:47 AM  
**To:** Duffy, Rick  
**Subject:** Morning Consult Energy, Presented by the American Coalition for Clean Coal Electricity: House Passes Bill That Would Let States Opt Out of Clean Power Plan; Shell in Talks With Iran in Case of Sanctions Being Lifted



by [Colleen Leahy \(@cocoblrg\)](#)

## Today's Washington Brief

- Sen. Chris Coons (D-Del.) has introduced a bill that would put renewables like solar and wind on more equal footing with oil, coal, natural gas and other forms of conventional energy in terms of tax breaks. The [Master Limited Partnership Parity Act](#) would give renewables access to the same kind of financial support that conventional energy has had access to for years. ([Morning Consult](#))
- The House passed the Ratepayer Protection Act yesterday, a bill that would states to opt out of President Obama's Clean Power Plan. ([Washington Examiner](#))
- Mike Pence is on the same page as the House. The Indiana governor declared in a letter to President Obama that his state won't be following the Clean Power Plan unless it's "improved." ([National Journal](#))

## Today's Business Brief

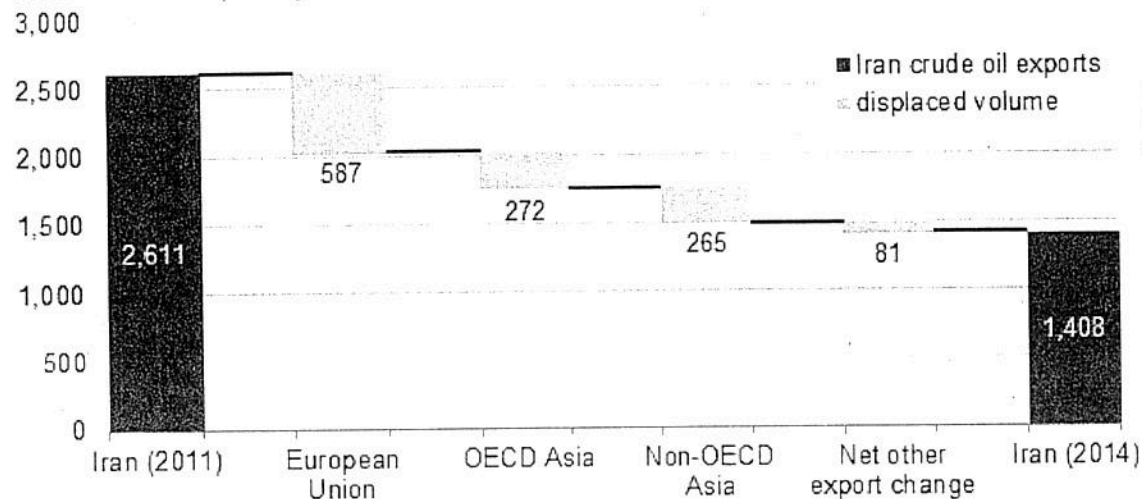
- The Department of Energy pledged \$1.8 billion in loans for the construction of two new nuclear reactors at a Georgia power plant. The project is the first nuclear facility to be approved in the U.S. in three decades. ([The Hill](#))

- In anticipation of the possibility of sanctions being lifted, Royal Dutch Shell held talks in Iran to discuss business cooperation. ([Reuters](#))

## Today's Chart Review

### Under sanctions, Iran's crude oil exports have nearly halved in three years from the Energy Information Administration

Iran crude oil exports by destination (2011-14)  
thousand barrels per day



**Mark  
Your**

## Calendars (All Eastern Times)

### Thursday

Bipartisan Policy Center [discussion](#) on updating the Toxic Substance Control Act @9:30am

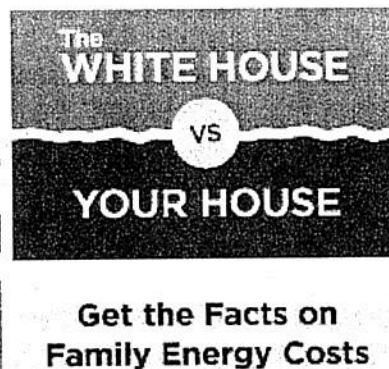
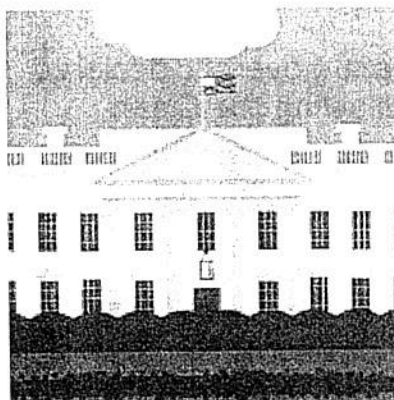
Land & Water Conservation Fund bipartisan [press conference](#) @10am

AWEA [webinar](#) on wind resource assessment @2pm

Environmental Law Institute [seminar](#): Basics of the Clean Water Act, @12pm

### Friday

ELI [breakfast forum](#) on honeybees & neonicotinoid pesticides @8:30am



**General**

Resurrected Bill Would Grant Favored Tax Status to Renewable Industry  
from Morning Consult by Davis Burroughs

A bipartisan group of lawmakers is taking a second whack at tweaking the U.S. tax code to potentially unleash billions of dollars of capital into clean energy financing.

**EPA to hear testimony from hundreds on renewable fuels plan**  
**from Fuel Fix by the Associated Press**

Chris Grundler, director of the EPA's office of transportation and air quality, said 250 people have signed up to testify. Because of the number of those wanting to speak, the EPA is bringing in a second panel so the hearings can be conducted in two separate groups. They are the only public hearings planned on the issue before the EPA announces its decision.

**House defies Obama's climate agenda**  
**from the Washington Examiner by John Siciliano**

The Ratepayer Protection Act was approved 247-180. It would allow states to opt out of complying with rules to cut carbon dioxide from existing power plants. Many scientists say the emissions are causing manmade climate change. The bill now goes to the Senate.

**As clock ticks, divide jeopardizes renewal of key law**  
**from E&E by Phil Taylor**

Since 1965, the Land and Water Conservation Fund has been used to acquire and preserve some of the nation's most iconic landscapes, including Big Cypress National Preserve in Florida, Harpers Ferry National Historical Park in West Virginia and Mount Rainier National Park in Washington state. But the fund expires Sept. 30, and key lawmakers are sharply divided on how to extend it.

**Mike Pence Says Indiana Will Buck Obama's EPA Climate Plan**  
**from National Journal by Clare Foran**

The state won't comply with the president's carbon regulations, unless they are significantly changed.

**EPA declines to study restricting Roundup pesticide's use**  
**from The Hill by Timothy Cama**

The Environmental Protection Agency declined to study restricting the use of a pesticide believed to harm the monarch butterfly's habitat. The EPA told the Natural Resources Defense Council (NRDC) it rejected the green group's petition regarding glyphosate, a pesticide marketed by Monsanto Co. as Roundup.

**The Government Tells You How to Eat Healthy, But Should It Tell You How to Eat Green?**  
**from National Journal by Clare Foran**

House Republicans are looking to limit federal food advice to "diet and nutrient intake," and keep their sustainability thoughts to themselves.

Here's one reason it's so hard to know your energy footprint  
**from the Washington Post by Chris Mooney**

The problem with confusing energy metrics like miles per gallon.

Why Environmentalists Are Afraid of the FDA's Attack on Trans Fats  
**from National Journal by Jason Plautz**

It's good for your arteries, but replacing trans fats could have an environmental dark side.

U.S. Stock Futures Gain Before Economic Data Amid Greek Talks  
**from Bloomberg by Inyoung Hwang**

U.S. stock-index futures gained, indicating equities will rebound, before data that may show the economy is strengthening before an expected Federal Reserve rate increase.

## **Oil & Natural Gas**

US oil stocks data disappoints  
**from CNBC by Reuters**

Oil prices were steady on Thursday as an unexpected build in U.S. gasoline inventories offset a higher than forecast draw in crude stocks.

Shell holds talks in Iran on post-sanctions business  
**from Reuters by Ron Bousso**

Royal Dutch Shell has recently held talks in Iran to discuss business cooperation with the oil and gas-rich country should international sanctions on Tehran be lifted.

Pipeline firm couldn't reach staff at California spill site  
**from Fuel Fix by the Associated Press**

Plains All American workers at the site near Santa Barbara were contending with "immediate demands and distractions" and couldn't be reached by Plains personnel based in Bakersfield, documents said. One of the workers, along with firefighters, used shovels to try to construct a makeshift berm to slow the oil's spread.

BP economist: Oil industry should hunker down for "a couple of years" as prices recover  
**from Fuel Fix by Rhiannon Meyers**

The dramatic reduction in the U.S. rig count foreshadows a coming slowdown in U.S. oil output, a trend that's expected to happen at the same time that global oil consumption has started to swell.



**U.S. West Coast refiners snap up Russian crude cargoes**  
**from Reuters by Jacob Gronholt-Pedersen**

Refiners on the U.S. West Coast and Hawaii have stepped up purchases of Russian crude, taking advantage of a narrow gap between U.S. and global prices as they look to guard against a seasonal shortage of Alaskan supply, trade and industry sources said.

**Is North Dakota's economy really oil-rigged?**  
**from CNBC by Elaine Pofeldt**

The nation's 2nd largest producer of oil is taking a hit from the decline in production.

**Fracking in the UK: Stage is set for a return**  
**from CNBC by Catherine Boyle**

Europe's embryonic shale gas industry is anxiously waiting for a small local council to decide whether it will allow "fracking" for shale gas.

## **Utilities & Infrastructure**

**NY regulators order utilities to bring demand response to all retail customers**  
**from Utility Dive by Robert Walton**

The New York Public Service Commission is rolling out an expanded retail demand response program, mandating payments to customers who reduce their load, which will be available in some areas of the state as soon as next month.

## **Renewables**

**A big step toward solar power for small devices**  
**from CNBC by Robert Ferris**

Powering small devices with solar energy, including wearables, medical devices, and the Internet of Things is more feasible with new circuit.

## **Climate**

**More than 200 fires are burning in Alaska right now. That's an even bigger problem than it sounds**  
**from the Washington Post by Chris Mooney**

The alarming recent upswing in large Alaskan wildfires.

**Dutch government ordered to cut carbon emissions in landmark ruling**  
**from the Guardian by Arthur Neslen**

Dutch court orders state to reduce emissions by 25% within five years to protect its citizens from climate change in world's first climate liability suit.

**Weak sun could offset some global warming in Europe and US – study**  
**from the Guardian by Adam Vaughan**

Global warming in northern Europe and the eastern US could be partially offset in future winters because of the sun entering a weaker cycle similar to the one which enabled frost fairs to take place on the river Thames in the 17th and 18th century, according to new research. However, the study said any potential weakening in solar activity would have only a small effect on temperature rises at a worldwide level.

**A Message from the American Coalition for Clean Coal Electricity:**

American families are feeling the pinch of rising energy prices and declining family incomes. The impact of rising energy prices is especially troubling for the nearly half of U.S. households who on average have an annual budget of less than \$23,000. New EPA regulations that will drive up energy costs only spell more trouble for these struggling households. Get the facts on how Americans' budgets and energy costs stack up against the White House's.

## **Coal**

**U.S. lawmakers promise scrutiny of coal cleanup program**  
**from Reuters by Patrick Rucker**

Lawmakers will examine whether a program that allows coal companies to forgo mine cleanup insurance could leave taxpayers with billion dollar costs, leading members of the U.S. House Committee on Natural Resources said on Wednesday.

**California coal divestment bill clears assembly panel**  
**from Reuters by Rory Carroll**

A bill to require California's state pension funds Calpers and CalSTRS to sell their investments in companies that generate at least half their revenue from coal mining passed an Assembly committee by a vote of 5-1 on Wednesday.

**US weekly coal carload volumes rise again, but remain historically low: AAR**  
**Platts by Jim Levesque**

Weekly coal carloads volumes originated on US railroads rose for the third straight week but totals remained historically low, according to data that the Association of American Railroads released Wednesday.

## **Nuclear**

**Energy Department guarantees \$1.8B in loans for GA nuclear plant**  
**from The Hill by Devin Henry**

The Department of Energy (DOE) will guarantee \$1.8 billion in loans for the operators of two new nuclear reactors under construction at a power plant in Georgia, the department announced on Wednesday.

## Opinions, Editorials & Perspectives

It's Time to Level the Energy Playing Field  
from Medium by Senator Chris Coons

The most impressive part of renewables' success is that clean energy businesses are succeeding, and growing, with one hand tied behind their backs. That's why I've joined with Republican Senator Jerry Moran of Kansas to introduce a bill called the MLP Parity Act, which would allow clean energy businesses to compete more fairly with traditional fossil fuels.

### A Message from the American Coalition for Clean Coal Electricity:

Nearly half of America's families have less than \$1,900 a month to pay for necessities such as energy, food, housing and healthcare expenses. New EPA regulations that will drive up energy costs only spell more trouble for these struggling households. Get the facts on how Americans' budgets and energy costs stack up against the White House's.

## Research Reports, Issue Briefs & Case Studies

Under sanctions, Iran's crude oil exports have nearly halved in three years  
from the Energy Information Administration

Sanctions imposed by the United States and the European Union (EU) at the end of 2011 and during the summer of 2012, respectively, led to the displacement of more than 1.0 million barrels per day (b/d) of Iranian crude oil on the global market.



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Duffy, Rick

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*Air Pollution*

**Air Violations Alleged at Albany Crude Oil Facility**

Environmental groups, local residents and Albany County, N.Y. are planning to sue Global Companies LLC for alleged violations of the Clean Air Act at its crude oil terminal in the Port of Albany, according to a Sept. 1 notice of intent to sue by...

*Air Pollution*

**FHWA Issues Q&As for Mobile Source Air Toxics Analysis**

The Federal Highway Administration has issued a collection of frequently asked questions concerning the conducting of mobile source air toxic (MSAT) quantitative analysis for highway projects under the National Environmental Policy...

*Chemicals*

**California to List Glyphosate, Pesticides as Carcinogens**

California's Office of Environmental Health Hazard Assessment plans to identify the herbicide glyphosate, also known as Roundup, and three pesticides as carcinogens under Proposition 65....

*Climate Regulation*

**EPA Unmoved by Administrative Stay Requests**

The Environmental Protection Agency stopped short of denying several administrative requests to stay its Clean Power Plan, but urged a coalition of states and a mining group against filing premature lawsuits, according to responses obtained...



### *Climate Regulation*

#### **States Argue Power Plan Deadlines Need Court Review**

A federal appellate court should review the legality of the Clean Power Plan now—before it is published in the Federal Register—because the Environmental Protection Agency's final rule sets a specific deadline for states...

### *Coal Mining*

#### **Colorado Coal Mine to Have No Significant Impact**

The expansion of a coal mine in northwest Colorado isn't expected to have a significant environmental impact, the Interior Department said....

### *Endangered Species*

#### **Five Nations Reinforce Commitments to Protect Polar Bears**

Five nations have agreed to a common overall approach to protecting the polar bear, listed in the U.S. as a threatened species under the Endangered Species Act....

### *Energy*

#### **Canada Oil Sands Fork Over Billions for Unneeded Barrels**

The last place oil producers want to be when prices plummet to profit-demolishing lows is midstream on a billion-dollar project in one of the costliest parts of the planet to extract crude....

### *Energy*

#### **Energy Bill Not Expected on Floor Until October, Aide Says**

House energy legislation that was expected to be brought to the floor this month may be pushed to October, a Republican leadership aide told Bloomberg BNA. ...

### *EPA*

#### **Lawsuit Seeks Records on EPA Meetings With Advocates**

A free market think tank asked a federal district court to compel the Environmental Protection Agency to release records of meetings between certain top officials and environmental lobbyists (Competitive Enter. Inst. v. EPA, D.D.C., No....

### *Hazardous Waste*

#### **ARCO Ruling May Not Clarify Ongoing Contamination**

A recent Montana Supreme Court decision on the definition of ongoing environmental contamination may do little to clarify a murky area of law, a professor of environmental law told Bloomberg BNA Sept. 4 (Christian v. Atl. Richfield Co., 2015...

### *Hazardous Waste*

#### **OMB Clears Hazardous Waste Export-Import Revisions**

The White House Office of Management and Budget cleared a proposed rule Sept. 3 from the Environmental Protection Agency that would update the regulations on exports and imports of hazardous waste. According to the EPA's regulatory tracker,...

### *International Climate*

#### **Bonn Climate Talks See Late Movement**

Five days of United Nations climate negotiations wrapped up Sept. 4 with the first signs of compromise on a key issue emerging amid widespread calls that negotiations were still moving too slowly....

### *Oil Spills*

#### **Canada Court Takes Up Oil Pollution Claims Against Chevron**

The 22-year legal campaign to hold Chevron liable for oil pollution in the Amazon in Ecuador will continue—now in Canada (Chevron Corp. v. Yaiguaje, Supreme Court of Canada, No. 35682, , 9/4/15)....

### *Radioactive Waste*

#### **Activists Not Happy With Yucca Mountain Study**

Anti-nuclear activists are deeply skeptical of a recent Nuclear Regulatory Commission study on the effects of nuclear waste deposits at Yucca Mountain in Nevada on nearby groundwater....

### *Renewable Energy*

#### **17 Wind Power Companies to Curb Turbine Harm to Bats**

A group of wind power companies has agreed to reduce wind turbine speeds in the fall to reduce the number of bats killed during their migration season....

### *Renewable Energy*

#### **Investors Backing Off on Nordic Wind Farms**

Investors are pulling back from wind farms in Nordic nations as the lowest electricity prices in 12 years cut the profitability of new projects....

### *Stormwater*

#### **EPA to Revise Stormwater Rules for Small Communities**

A federal appellate court is expected to approve a proposed settlement that would result in revised stormwater runoff regulations for cities and suburbs with populations of fewer than 100,000, according to an attorney with the Natural Resources...

### *Superfund*

#### **House Subcommittee to Examine Superfund Law**

The House Energy and Commerce Subcommittee on Environment and the Economy will hold a hearing Sept. 11 to examine the effectiveness of the Comprehensive Environmental Response, Compensation, and Liability Act at cleaning up contaminated...

### *Trade*

#### **European Solar-Panel Makers Seek Tariffs Renewal on China**

European Union solar-panel producers requested a prolongation of EU tariffs against Chinese competitors, potentially rekindling what was the bloc's biggest trade dispute of its kind....

## *Trade*

### **Top EU Court Upholds Seal Regulations**

Regulations that sharply limit the import and sale of seal products in Europe were upheld by the EU Court of Justice Sept. 3 (Inuit Tapiriit Kanatami v. Comm'n, E.C.J., No. C-398/13 P, 9/3/15)....

## *Water Pollution*

### **House Looks to Interior for Mine Spill Details**

Two House committees seeking additional details on an Environmental Protection Agency-triggered release of 3 million gallons of mining waste into waterways also questioned the ability of the Interior Department to independently review...

## *Water Pollution*

### **Mallinckrodt Ordered to Pay for Mercury Cleanup**

A federal judge has ordered the pharmaceutical company Mallinckrodt Inc. to continue to pay for the cleanup of mercury contamination in the Penobscot River that resulted from one of its chlor-alkali plants (Maine People's Alliance v....

## *Water Pollution*

### **Water Jurisdiction Rule Blocked in 13 States**

The water jurisdiction rule will be blocked in 13 states but will continue to apply to the rest, a district court ruled Sept. 4 (N. Dakota v. EPA,, D.N.D., 15-00059, , 9/4/15)....

## **HILL WATCH**

### **Listing**

## **INTERVIEW**

**See Current Bloomberg BNA Interview: New World Companies Chart Future of Capitalism**

## **REGULATORY AGENDA**

### **Comment Deadlines**

### **SEPTEMBER 4 FEDERAL REGISTER**

### **SEPTEMBER 8 FEDERAL REGISTER**

#### **Daily Environment Report**

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**From:** BNA Highlights <bhighlig@bna.com>  
**Sent:** Tuesday, September 08, 2015 10:30 PM  
**To:** Duffy, Rick  
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## NEWS

### *Air Pollution*

#### **Appeals Court Asked to Rehear Chromium Litigation**

A federal appeals court should rehear arguments against the Environmental Protection Agency's standards covering chromium electroplating facilities in order to correct an "unusual error" in precedent that will affect hazardous...

### *Air Pollution*

#### **Arguments Over EPA Particulate Rule Set for Nov. 6**

A federal appeals court will hear oral arguments Nov. 6 over the legality of the Environmental Protection Agency's implementation rule for the 1997 and 2006 national ambient air quality standards for fine particulate matter (WildEarth...

### *Air Pollution*

#### **OMB Sets Six Meetings on Ozone Standards**

The White House Office of Management and Budget will meet with advocacy groups at least six times during the next two weeks to discuss the Environmental Protection Agency's final decision on the national ambient air quality standards...

### *Brownfields*

#### **New York City Leads Effort to Reinstate Brownfields Credit**

New York City is spearheading an effort to reinstate a federal tax incentive for brownfield developers, a city official said at a recent conference....

### Key Features:

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#### *Chemicals*

##### **Minnesota Sets Screening Values for Pharmaceuticals**

The Minnesota Department of Health has developed screening values for more than 100 of the most commonly prescribed prescription drugs as a first step in evaluating their impact on those who use the state's waters....

#### *Chesapeake Bay*

##### **Moratorium on New Maryland Poultry Houses Suggested**

Maryland needs to consider imposing a nine-year moratorium on the construction of new poultry houses on the peninsula east of the Chesapeake Bay, according to the Environmental Integrity Project and other entities....

#### *Climate Change*

##### **\$100 Million Given for Aircraft Emissions Technology**

The Federal Aviation Administration announced Sept. 8 it awarded \$100 million to eight companies to create and demonstrate technologies that will reduce aircraft fuel consumption, emissions and noise....

#### *Climate Change*

##### **Rich Nations Claim Progress in Climate Finance Goal**

Wealthy countries are making progress toward the crucial goal of raising \$100 billion in climate finance for developing countries by 2020, but more transparency and a better calculation method is needed, 18 countries and the European Commission...

#### *Climate Change*

##### **Study: Dams Can Have Unseen Impact on Arctic Food Web**

A growing hydroelectric power industry may exacerbate the effects of climate change on Arctic ecosystems, perhaps leading to a rise in the level of neurotoxins in some marine mammals and fish, key food sources for indigenous populations,...

#### *Climate Regulation*

##### **McConnell to 'Keep Up the Fight' Against Carbon Rules**

President Barack Obama "won't get the last word" on climate change, and the Senate will pursue all opportunities to block implementation of the Environmental Protection Agency's plan to reduce carbon dioxide from power...

#### *Emissions Trading*

##### **Carbon Allowance Price May Hit Milestone at RGGI Auction**

The price of carbon allowances sold by the Regional Greenhouse Gas Initiative could approach or hit a key milestone Sept. 9 when RGGI holds its first quarterly auction since the Environmental Protection Agency released its final Clean Power...

#### *Endangered Species*

##### **Analysis Offered on Sage Grouse Conservation**



A federal report released Sept. 8 details the factors that may be used over time to assess whether conservation efforts for the greater sage grouse are likely to work....

#### *Forests*

##### **Forests Vanishing at Slower Pace, UN Official Says**

The world's forests are disappearing at a slower pace as protection and management by governments improve, a United Nations agency said....

#### *Hazardous Waste*

##### **Health Care Facilities Shouldn't Flush Drugs: Lawyer**

Health-care facilities should ensure that their current waste management practices are in compliance with existing regulations and begin to transition away from flushing pharmaceutical waste in light of an upcoming Environmental Protection...

#### *Oil & Gas*

##### **House Subcommittee Expected to Approve Crude Export Bill**

A House Energy and Commerce subcommittee will vote Sept. 10 on legislation that would end the 40-year-old ban on most crude oil exports, as the chamber prepares to bring the measure to the floor later this fall. ...

#### *Oil & Gas*

##### **Oil Industry Slashes Lobbying Spending Amid Downturn**

As Americans fueling up at the pump find some relief with lower gas prices, they may not recognize another effect of the plummeting price of oil....

#### *Oil Spills*

##### **One Class Properly Certified in BP Securities Suit**

BP PLC securities holders alleging that the petroleum giant made material misrepresentations regarding the extent of the 2010 Deepwater Horizon oil spill properly were certified as a plaintiff class—the post-spill class—the...

#### *Ozone Depletion*

##### **OMB Reviewing EPA Refrigerant Venting Rule**

The White House Office of Management and Budget is reviewing an Environmental Protection Agency proposal that would update standards meant to prevent venting of refrigerants during maintenance of appliances to prevent greenhouse gas emissions....

#### *Pesticides*

##### **California to Put Four Pesticides on Cancer List**

California's impending decision to place on its list of carcinogenic chemicals four widely used pesticides—including Monsanto's glyphosate, the most widely used pesticide in the country—has uncertain ramifications...

#### *REACH*

##### **ECHA Publishes Guidance on Chemical Safety Reports**

The European Chemicals Agency published guidance Sept. 7 on the preparation of chemical safety reports by companies that use in their products substances that are subject to registration under the European Union's REACH law (Regulation...

#### *REACH*

##### **EU Amends Benzene Restriction for Natural Gas Sales**

A restriction on benzene imposed under the European Union's REACH regulation will be relaxed for natural gas delivered to consumers, according to a European Commission regulation published in the EU Official Journal....

#### *Right to Know*

##### **Activists, Pesticide Industry Get Into FOIA Fight**

An environmental group is trading dueling missives with a pesticide industry trade association over a recent open records request the group made to the Environmental Protection Agency. The group, Friends of the Earth, sent the EPA a Freedom...

#### *Trade*

##### **Progress Seen on Environmental Chapter for TPP**

Trans-Pacific Partnership countries at the last trade ministerial meeting determined a path forward on outstanding issues, the Office of the U.S. Trade Representative said, putting a more positive tone on reports that negotiators had failed...

#### *Water Pollution*

##### **S.C. Agency May Deny Plant's Discharge Permit**

The South Carolina Department of Health and Environmental Control is proposing to deny the renewal of a discharge permit for a controversial wastewater treatment plant....

## **REGULATORY AGENDA**

### **Comment Deadlines**

#### **SEPTEMBER 8 FEDERAL REGISTER**

#### **SEPTEMBER 9 FEDERAL REGISTER**

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Duffy, Rick

From:

Sent:

Thursday, September 17, 2015 2:44 PM

To:

Ex 6

Cc:

Subject:

Ex 6

Thanks [redacted] I am going to try to make it but I don't know how successful I will be getting over the river in time given the Pope's visit and the effect on traffic. So sorry in advance if you don't see me there.

Ex 6

Monitoring, Assistance, and Media Programs Division  
U.S. EPA  
1200 Pennsylvania Ave., N.W. (MC-2227A)  
Washington, DC 20460

Ex 6

Ex 6

Subject: Meeting with [redacted] Leadership Ex 6

When: Tuesday, September 22, 2015 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: DCRoomPYS11100/Potomac-Yard-One

Ex 6

Hello! The [redacted] Joint Meeting will be September 21<sup>st</sup> and 22<sup>nd</sup>. [redacted] would like to meet with the [redacted] to follow up on state issues discussed at the SFIREG meeting.

Ex 6

Ex 6

Agenda topics will include:

- Treated Seed
- Response to sulfoxaflor – where do we go from here?
- Glyphosate Ex 6
- Debrief from [redacted] working committee meeting

Ex 6 = <sup>1</sup> Exemption 6

Ex 6

AI - Please invite anyone else from [REDACTED] you think should attend.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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*Air Pollution*

**Brazil Fines Volkswagen \$13 Million for Emissions Fraud**  
Brazil fined Volkswagen 50 million reais (\$13.1 million) after the company admitted that 17,057 Amarok model, medium-size diesel-engine pickup trucks sold in 2011 and 2012 were fitted with software designed to cheat on nitrogen oxide emissions...

*Air Pollution*

**EPA Proposes Update to Unusual Air Event Policy**

A proposed update to the Environmental Protection Agency's exceptional event rule would address several state concerns, including the elimination of a demonstration requirement that states have long identified as a problem, a state...

*Air Pollution*

**Germany Investigating Emissions Beyond VW**

Germany's Federal Motor Vehicle and Transport Authority (KBA) said it is investigating the possibility of elevated levels of nitrogen oxide emissions from diesel cars manufactured not only by Volkswagen, but by other automakers as...

*Air Pollution*

**Industry Wants Boiler Arguments Heard as Scheduled**

A federal appeals court should deny a request to change the three-judge panel that will hear litigation over federal emissions standards for boilers and incinerators, because it would further delay a decision that could substantially affect...



#### *Air Pollution*

##### **Judge Denies EPA Bid to Prevent McCarthy Deposition**

A federal judge denied the Environmental Protection Agency's bid to shield Administrator Gina McCarthy from deposition in a coal company's lawsuit that seeks to compel the agency to review the impact its Clean Air Act rules have on...

#### *Air Pollution*

##### **Surviving U.S. Power Plants to Keep Coal Demand Steady**

If you thought that a record loss of U.S. coal-fired power generation means less of the climate-changing fuel will be burned, think again....

#### *Biodiversity*

##### **European Commission Says Conservation Legislation Worth Costs**

The benefits of European Union nature conservation legislation massively outweigh the costs, even though the legislation is less effective than it could be because of insufficient implementation and enforcement, according to a draft study...

#### *Budget*

##### **Environmental Riders on Omnibus Coming Into Focus**

Congressional Democrats appear to be softening their stance toward attaching policy riders to an upcoming omnibus federal spending bill, which could allow Republicans to enact measures that would block some of the Obama administration's...

#### *Chemicals*

##### **EPA Issues Three SNURs for Five Chemicals**

The Environmental Protection Agency amended significant new use rules (SNURs) for five chemical substances that were the subject of premanufacture notices, according to a final rule (RIN 2070-AB27) scheduled for publication in the Nov....

#### *Chemicals*

##### **Monsanto Poisoning Bay With PCBs, Oakland Says**

Monsanto Co. and its legacy businesses allowed polychlorinated biphenyls to contaminate San Francisco Bay, including through stormwater runoff from Oakland, Calif., streets, the city argued in a federal lawsuit (Oakland v. Monsanto Corp.,....

#### *Chesapeake Bay*

##### **Exelon Balking at Fish Lift Mandate for Maryland Dam**

Exelon Generation plans to appeal a pending requirement that it install a fish lift system on the Conowingo Dam on the lower Susquehanna River in northeastern Maryland....

#### *Climate Change*

##### **Greenland Glacier Melt Accelerating, Study Says**

A glacier in northeast Greenland that holds enough water to raise global sea levels by more than 18 inches is breaking apart and melting into the Atlantic Ocean, losing mass at a rate of 5 billion tons a year, according to a new study....

### *Climate Regulation*

#### **Court Stay Won't Stop EPA Clean Power Plan, McCabe Says**

The Environmental Protection Agency will continue working with states on developing and implementing their compliance plans, even if the Clean Power Plan is stayed by a federal court, EPA Acting Assistant Administrator for Air and Radiation...

### *Climate Regulation*

#### **Entergy Corp. Sues EPA Over Clean Power Plan**

Power company Entergy Corp. became the latest utility to challenge the Environmental Protection Agency's Clean Power Plan, filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit Nov. 12 (Entergy...

### *Corporate Responsibility*

#### **Climate Risk Poses Hardship to Investor Portfolios: Study**

Equity portfolios may lose as much as 45 percent of their value due to shifting investor sentiment about climate change, according to a report by Cambridge University's Institute for Sustainability Leadership....

### *Emissions Trading*

#### **EU Too Generous With Free Allowances: Court Adviser**

Units of ExxonMobil Corp., Dow Chemical Co. and OMV AG may lose challenges against a 2013 European Union decision to cut the free carbon allowances they receive after an adviser to the bloc's highest court said regulators were still too...

### *Endangered Species*

#### **Comment Period Extended for Sagebrush Protections**

Mining companies, environmental activists and other interested parties will have more time for commenting on the Bureau of Land Management's proposals to block new mining claims in approximately 10 million acres of "sagebrush...

### *Energy*

#### **New York Governor Vetoes Deepwater LNG Port**

A deepwater port for liquefied natural gas that would involve a 22-mile pipeline off Long Island's beaches was vetoed Nov. 12 by New York Gov. Andrew M. Cuomo (D). ...

### *Energy*

#### **NRC Rule Doesn't Go Far Enough, Safety Advocates Say**

The Nuclear Regulatory Commission's proposed rule to limit damage at reactors in cases of severe events such as earthquakes doesn't go far enough to protect the plants, nuclear safety advocates told Bloomberg BNA....

### *Energy*

#### **Senator's Proposal Boosts Mexico's Nuclear Ambitions**

A Mexican senator is preparing legislation that would pave the way for expansion of the nation's only nuclear power plant as part of its drive toward developing more clean energy....

### *Environmental Reviews*

#### **Review Ahead in New Mexico for Electric Transmission EIS**

New Mexico Land Commissioner Aubrey Dunn told Bloomberg BNA Nov. 12 that he plans a thorough review of a final environmental impact statement for a 360-mile electric transmission line from New Mexico to Arizona....

### *Hazardous Waste*

#### **Private Party Can't Pursue RCRA Civil Penalties**

A private party can't pursue civil penalties under the Resource Conservation and Recovery Act, the Northern District of California said Nov. 10 (*Verse Two Properties, LLC v. Hanggi Mfg., Inc.*, N.D. Cal., No. 14-cv-03765, 11/10/15)....

### *Hazmat Transport*

#### **International Committee to Consider Explosives, Perfumery Issues**

An international committee will hear proposals on altering classification testing requirements for certain explosives at an upcoming meeting, but explosives groups told the U.S. delegation at a Nov. 12 preparation meeting those requirements...

### *International Climate*

#### **CEOs in U.N. Survey Seek Clarity From Paris Climate Talks**

Business leaders have signaled that they are looking to the Paris climate change negotiations that open Nov. 30 for clarity and certainty to help them plan for a low-carbon future, according to survey results released Nov. 12. ...

### *International Climate*

#### **Here's What the G-20 Nations Are Pledging on Climate Change**

Saudi Arabia's pledge Nov. 10 to curb its greenhouse gas emissions by 2020 means all of the Group of 20 major economies are promising to take action to fight climate change as part of a United Nations deal they aim to seal in Paris in December....

### *International Climate*

#### **Kerry Spars With France Over Binding Nature of Climate Deal**

The White House Nov. 12 reiterated that the U.S. favors a global climate deal that includes a mix of binding and nonbinding provisions, hoping to end a rift earlier in the day between Secretary of State John Kerry and top French officials over...

### *International Climate*

#### **Two Hearings on Paris Climate Talks Slated for Nov. 18**

Congressional scrutiny of the upcoming international Paris climate change negotiations will come to a head Nov. 18, with committees in both the House and Senate slated to hold hearings on the talks. ...

### *Mining*

#### **Clinton Releases \$30 Billion Plan for Coal Communities**

Democratic presidential candidate Hillary Clinton called for increased funding for the development of carbon capture and sequestration technologies and for expanding the amount of renewable energy produced on federal land as part of a...

### *Radioactive Waste*

#### **Lawsuit Challenges Nuclear Waste Storage on California Coast**

Citizens Oversight has filed a lawsuit challenging the California Coastal Commission's permitting of dry cask nuclear waste storage at the shuttered San Onofre Nuclear Generating Station (Citizens Oversight, Inc. v. Cal. Coastal...

### *REACH*

#### **EU Chemicals Agency Opens Consultations on Chromium Trioxide**

The European Chemicals Agency Nov. 11 invited comments through Jan. 7 on three uses of chromium trioxide in electroplating, as part of assessments of authorization applications submitted under the European Union's REACH regulation...

### *REACH*

#### **U.S. Chamber in EU Seeks Revised REACH Guidance**

The European Chemicals Agency (ECHA) and European Commission should provide clarity on when they will update REACH guidance on hazardous chemicals in products, to take into account a September European Union Court of Justice ruling on notification...

### *Renewable Energy*

#### **Mexico to Auction 6 Million Clean Energy Certificates**

Mexico energy officials plan to auction off up to 6 million clean energy certificates in its first wholesale electricity auction, the energy ministry announced as it released the final terms for the country's first wholesale electricity...

### *Superfund*

#### **Shield Nixed for Insurance Payments in Superfund Case**

Appvion Inc. can't invoke an exception allowing double recovery to deny defense inquiries into its receipt of insurance payments related to the cleanup of the Lower Fox River Superfund site, a federal court has ruled (Appvion Inc. v. P.H....

### *Toxic Substances*

#### **European Agency: Glyphosate 'Unlikely' to Cause Cancer**

The widely used herbicide glyphosate is "unlikely to pose a carcinogenic hazard to humans," according to a Nov. 12 reassessment report from the European Food Safety Agency, though EFSA said it also would propose new measures to tighten...

### *Water Pollution*



## **New Jersey's Booker Sued Over Millions in Watershed Waste**

Corruption was rampant at a nonprofit entity that managed 35,000 acres of watershed for Newark, N.J., with the executive director secretly writing checks to herself and squandering public money in high-risk margin trading, state investigators...

### *Water Resources*

## **NRDC Says Reclamation Illegally Diverted Project Water**

The U.S. Bureau of Reclamation illegally diverted scarce water supplies from behind California's Shasta Dam for agricultural operations rather than using the water to protect the winter and spring runs of Chinook salmon, according...

### *Water Resources*

## **Recycled Water Project Proposed for Southern California**

The Metropolitan Water District of Southern California has agreed to spend \$15 million on a demonstration project it said could lead to the development of the largest recycled water program in the nation. Members of the water importer's...

## **SPECIAL REPORT**

### *Water Pollution*

## **Challenges Filed Against Federal Clean Water Rule**

At least 20 challenges to the final rule clarifying the Clean Water Act's jurisdiction over the nation's waters and wetlands were filed as of Nov. 10 in federal district and appellate courts. The next important ruling is expected in...

### *Water Pollution*

## **Jurisdiction Over Water Rules Divides Attorneys**

A rule intended to clarify which waters and wetlands are subject to Clean Water Act requirements has prompted lawsuits in federal courts across the country, but attorneys disagree over whether the pollution law should be amended to give a single...

## **BNA INSIGHTS**

## **Passing the Buck: Recent Developments in CERCLA Contribution Actions Seeking Natural Resource Damages**

The Comprehensive Environmental Response, Compensation, and Liability Act is the primary federal statutory vehicle for government and private parties to recover the costs of investigating and cleaning up environmental releases of hazardous...

## **REGULATORY AGENDA**

### **Comment Deadlines**

### **NOVEMBER 12 FEDERAL REGISTER**



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Tuesday, September 20, 2016

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## TOP NEWS

### Exxon Calls Mass. AG Climate Change Probe Biased

Exxon Mobil Corp. on Monday told a Texas federal judge it's entitled to the extraordinary remedy of an injunction barring a Massachusetts Attorney General's Office investigation into the company's knowledge of climate change because evidence of viewpoint bias was clear from the outset.

### Green Groups Seek To Clinch Suit Over EPA Pesticide Regs

The Center for Food Safety, Pollinator Stewardship Council and American Bird Conservancy asked a California federal judge Monday for a quick win against the U.S. Environmental Protection Agency in a suit seeking closer regulation of pesticide-treated seeds that can kill honeybees and birds, arguing that a 2013 edict was a final agency action and subject to legal challenge.

### DC Circ. Temporarily Blocks Dakota Access Pipeline Work

A D.C. Circuit panel on Friday granted the Standing Rock Sioux Tribe's bid for a temporary halt on construction of the Dakota Access Pipeline at a place where it is set to cross the Missouri River near the tribe's reservation.

### Mass. Gov. Orders GHG Caps For Climate Plan Overhaul

Massachusetts Republican Gov. Charlie Baker on Friday ordered state regulators to establish decreasing limits on greenhouse gas emissions as part of an overhaul of the state's climate change program, after the state Supreme Judicial Court recently ruled that the state's existing efforts weren't sufficient.

### EPA Finalizes Revisions To Air Quality Limit Exemptions

The U.S. Environmental Protection Agency on Friday finalized revisions to its rule for so-called exceptional events, such as wildfires and volcanic eruptions, that would allow regions to avoid being penalized for temporarily exceeding ozone limits and other national ambient air quality standards.

## POLICY & REGULATION

### Herbicide In Monsanto's Roundup 'Unlikely' To Cause Cancer

The U.S. Environmental Protection Agency said Friday it has proposed to classify glyphosate, the active ingredient in Monsanto's ubiquitous herbicide Roundup, as

## LAW FIRMS

Ahmad Zavitsanos  
Arnold & Porter  
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Bean Kinney  
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Earthjustice  
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Fredericks Peebles  
Freeman Freeman  
Grant & Eisenhofer  
Greenberg Traurig  
Haynes and Boone  
Hogan Lovells  
Jones Day  
K&L Gates  
Kazerouni Law Group  
Keller Rohrback  
Labaton Sucharow  
Levenfeld Pearlstein

"not likely" to cause cancer in humans, following a scientific review of the substance.

### **New York AG Asks EPA To Not Approve GE's Hudson Cleanup**

New York Attorney General Eric Schneiderman's office has asked the U.S. Environmental Protection Agency to hold off on formally approving the completion of General Electric Co.'s more than \$1 billion cleanup of the upper Hudson River, saying that the federal government first has to find whether the cleanup actually protects the environment and human health.

### **Calif. Continues Climate Push With Cuts To Super Pollutants**

California Gov. Jerry Brown continued his push on legislation directed at climate change on Monday, signing into a law a bill that would require massive cuts in so-called super pollutants that come from petroleum fuels, cows, air conditioning and other sources.

### **Pols To Investigate Solar-Energy Firms Over Tax Incentives**

U.S. Senate and House of Representatives leaders have told seven residential solar industry companies and solar utilities companies they are going to be formally investigated over whether they wrongfully received billions in tax credits from the government, expanding on an inquiry that started earlier this year.

## **ENFORCEMENT**

### **Colonial Faces Heat From PHMSA Over Ala. Pipeline Leak**

Federal pipeline safety regulators on Friday ordered Colonial Pipeline Co. to perform tests on a pipeline that ruptured in Alabama earlier this month and spilled 6,000 barrels of gasoline, and said they were investigating the cause of the failure.

### **Pep Boys Wants Portion Of Strip Mall's Cleanup Suit Tossed**

Pep Boys told a federal judge on Friday that crucial elements of a waste claim against it were missing from a California strip mall owner's suit alleging the tire chain dumped chemicals on the property for years, and therefore the claim should be dismissed from the complaint.

## **DEALS**

### **Sullivan Reps SunEdison Yieldcos In Possible Sale**

Sullivan & Cromwell LLP is representing SunEdison Inc.'s publicly traded yieldcos TerraForm Power Inc. and TerraForm Global Inc. as they explore a possible sale of the clean energy businesses which have been impacted by SunEdison's massive bankruptcy in New York, the companies announced Monday.

## **LITIGATION**

### **Fracking Rule Foes Ask 10th Circ. To Bury Agency's Regs**

The four states, industry groups and Native American tribe that persuaded a federal judge to strike down the U.S. Bureau of Land Management's fracking regulations urged the Tenth Circuit on Friday not to revive the measures, arguing the bureau has an inflated view of its authority.

### **Tesoro Dodges Insurer's Spill Negligence Suit At 9th Circ.**

A Ninth Circuit panel on Monday affirmed a lower court's dismissal of a negligence suit lodged by insurer North of England P&I Club against Tesoro

Lieff Cabraser  
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## **COMPANIES**

AOL Inc.  
Abengoa SA  
Agricultural Retailers Association  
AlixPartners  
American Bar Association  
American Petroleum Institute Inc.  
American Seed Trade Association  
American Soybean Association  
CFA Institute  
CITGO Petroleum Corp.  
Centerview Partners LLC  
Chevron Corporation  
Chicago Bar Association  
Colonial Pipeline Co.  
Conservation Law Foundation  
CropLife America Inc.  
Exxon Mobil Corporation  
Facebook  
General Electric Company  
General Motors  
Google Inc.  
Kinder Morgan  
LinkedIn Corp.  
Monsanto Company

Refining and Marketing alleging the company didn't properly contain and clean up an oil spill in the Port of Long Beach in 2011.

### **Alaska Backs Coal Co.'s Bid To Revisit Mining Permits Ruling**

The state of Alaska on Friday pressed a federal judge to reverse a decision that sided with environmental groups and an Alaska Native village by throwing out a coal company's surface mining permits, backing the company's bid to have them left intact.

### **Pipeline Co. Wins OK Of Oil Spill Claim Release Form**

A California federal judge has approved a release form proposed by Plains All American Pipeline LP that would allow businesses and residents to receive cash in exchange for releasing their rights to join a putative class action over a May 2015 oil spill near Santa Barbara, California, rejecting opposition to the release brought by attorneys for the proposed class.

### **VW Didn't Send Emissions Settlement Info, Dealer Says**

An independent Missouri car dealership seeking to participate in Volkswagen AG's \$14.7 billion settlement over its diesel vehicle emissions scandal told a California federal judge on Friday that Volkswagen never notified some dealerships of the settlement, causing them to miss the deadline for opting into the deal.

### **Tesla Says 4 Del. Suits May Hamper \$2.6B SolarCity Bid**

Tesla Motors Inc. told investors Monday that four shareholder lawsuits challenging its proposed \$2.6 billion merger with SolarCity Corp. may delay the electric car company's acquisition of the supplier of alternative energy systems.

## **EXPERT ANALYSIS**

### **Expanded Wharfinger Liability Confuses Spill Cost Recovery**

A recent decision from a Pennsylvania federal court in the protracted litigation surrounding the Athos I oil spill signals profound implications for the liability of charterers, wharfingers and the U.S. government. The ruling portends costly new obligations for all three entities to conduct frequent underwater surveys using side-scanning sonar to detect obstructions, says Lawrence Kiern of Winston & Strawn LLP.

## **LEGAL INDUSTRY**

### **Feature**

### **Lawyers Flocking To Social Media Find Old Rules Don't Hold Up**

The legal industry is embracing social media, but danger lurks in the Twitterverse.

### **How To Score A Lateral Rainmaker**

Partners with big books of business have a buffet of choices when considering a move to a new law firm, creating a tough task for firms vying to lure lateral rainmakers. Here, experts offer four tips for snagging a big fish.

### **K&L Gates Announces New Firm Leaders Starting March 2017**

K&L Gates LLP has chosen its new leadership after the impending exit of Peter J. Kalis, the firm announced Monday, with the selection of Michael S. Caccese as

Morgan Stanley

NRG Energy Inc.

National Corn Growers Association

National Federation of Independent Business

National Hockey League

Natural Resources Defense Council

New Hampshire Bar Association

New York City Bar Association

New York State Bar Association

NextEra Energy Inc.

Philip Morris USA Inc.

Plains All American Pipeline, L.P.

Regal Entertainment Group

Sierra Club

SolarCity Corp.

Southern California Gas Co.

State Bar of California

SunEdison LLC

Temple University

Tesla Motors Inc.

Tesoro Corporation

Turner Broadcasting System Inc.

Twitter Inc.

Volkswagen

Washington Post Co.

Williams Partners LP

## **GOVERNMENT AGENCIES**

Army Corps of Engineers

Bureau of Land Management

California Environmental Protection Agency

Chickaloon Native Village

Delaware Court of Chancery

Drug Enforcement Administration

Federal Deposit Insurance Corp.

Immigration and Customs Enforcement

Internal Revenue Service

Office of Surface Mining

Reclamation and Enforcement

Pipeline and Hazardous Materials Safety Administration

Securities and Exchange Commission



chairman of the global management committee and James J. Segerdahl as global managing partner.

### **5 Things To Know About The Heller Ehrman Clawback Case**

It's been eight years since Heller Ehrman LLP imploded amid defections and debt, scattering partners across BigLaw. Finally, the California Supreme Court is ready to answer a knotty question: Who "owns" the unfinished hourly work partners take with them when their firm goes bankrupt? Here are five things you need to know about the Heller Ehrman clawback case.

### **Atty Pleads Guilty To Role In Bean Kinney Leader Attack**

A Virginia trademark attorney pled guilty to charges related to her role in a vicious attack on the former managing partner of Bean Kinney & Korman PC after the trademark lawyer had lost her job at the firm, according to reports on Monday.

### **Pro Bono Firm Of 2016: Cleary Gottlieb**

After a year of victories in cases that pitted individuals against the government, including settlements with immigration officials over a man's wrongful imprisonment and a girl's injury from a botched sting operation, Cleary Gottlieb Steen & Hamilton LLP has earned a spot on Law360's Pro Bono Firms of 2016.

### **Context Is Key For Judicial Reasoning, Paper Says**

Claims that judges overstep their bounds by analyzing more than the literal interpretation of the law in complex and controversial legal decisions are unhelpful and unnecessary because judges should always focus on contextual aspects of the law, a paper released Friday said.

### **Rainmaker Q&A: Crowell & Moring's Daniel Sasse**

Most of us are told no and fail at bringing in business far more often than we succeed. Especially early in your career, being told no just means you are in the game and getting better. You have to be appropriately persistent and keep trying, says Daniel Sasse, partner at Crowell & Moring LLP.

### **Rainmaker Q&A: Levenfeld Pearlstein's Lauren Wolven**

Too many attorneys wait until they are a year out from partnership to begin building their network. By then it's too late. It takes three to five years from when you plant a seed to have it fully mature into part of your trusted network, says Lauren Wolven, a partner in the trusts and estates group at Levenfeld Pearlstein LLC.

Op-Ed

## **Consider Requiring Personality Testing For Lawyers**

With the overwhelming stresses placed on attorneys today, contributing to attorney psychological problems and resulting in destructive behavior, should pre-employment personality testing be required of attorneys entering law firms to identify the ones most susceptible? The answer may be yes.

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#### *Air Pollution*

##### **More than 9 in 10 Live in Air Pollution Danger Areas, WHO Says**

About 92 percent of the world's population lives in air pollution danger spots, according to a new air quality assessment model developed by the World Health Organization. ...

#### *Budget*

##### **What's Next? 10 Top Takeaways From Stopgap Fight**

Congress kept the government running with enactment of the stopgap spending bill before the start of the new fiscal year Oct. 1, but lawmakers will face even bigger challenges when they have to do it all over again in 10 weeks....

#### *Chemicals*

##### **EU Glyphosate Data Release Could Help Settle Classification**

The European Food Safety Authority's release of previously confidential scientific data about the safety of the herbicide glyphosate could help resolve disagreements among scientific bodies about whether or not the substance should...

#### *Chemicals*

##### **Port of San Diego PCB Suit Survives Against Monsanto**

The Port of San Diego's public nuisance claims against Monsanto over polychlorinated biphenyl contamination survived dismissal



by the Southern District of California (San Diego Unified Port Dist. v. Monsanto Co. , 2016 BL 323407,...

#### *Climate Regulation*

##### **Environmental Groups Call for Stronger Car Emissions Rules**

Combined federal greenhouse gas emissions and fuel economy standards for 2022 to 2025 passenger vehicles are achievable and should be strengthened in light of a mid-term evaluation of the requirements, environmental groups and certain...

#### *Coal Mining*

##### **Senate Champion Sought for Coal-State Revitalization Bill**

Environmental groups are satisfied with a congressional lobbying push earlier this week on a bill that would send federal dollars to communities pummeled by the sinking coal market....

#### *Energy*

##### **Energy Department Clarifies Innovative Energy Project Loans**

The Energy Department is clarifying its loan guarantees for clean energy projects involving innovative technologies that reduce greenhouse gas emissions....

#### *Enforcement*

##### **Southern Coal Corp. Resolves Mining Violations**

Southern Coal Corp. resolved Clean Water Act violations by agreeing to upgrade its mining operations that are spread across Alabama, Kentucky, Tennessee and Virginia (United States v. Southern Coal Corp. , W.D. Va., No. 16-00462, 9/30/16)....

#### *Environmental Reviews*

##### **Army Corps, Washington State at Odds Over Coal Terminal**

A U.S. Army Corps of Engineers draft Environmental Impact Statement on a proposed coal-export terminal near the mouth of the Columbia River differs sharply from a Washington state EIS released in April on the same project....

#### *Environmental Reviews*

##### **Integration of NEPA, Permitting Supported by FHWA**

Major transportation projects including New York's Tappan Zee Bridge replacement are using innovative techniques to integrate environmental reviews and permitting requirements to accelerate project delivery, federal highway...

#### *International Climate*

##### **Countries Agree to EU's Ratification of Paris Climate Deal**

European Union environment ministers agreed Sept. 30 that the EU as a bloc should be allowed to ratify the United Nations Paris Agreement on climate change, even though most of its 28 member countries have not completed their national ratification...

#### *Superfund*





## **EPA Sets \$8M-\$13M Solvent Cleanup for N.J. Factory Site**

A final plan has been set for the cleanup of a New Jersey factory property that is the source of a plume of polluted groundwater, at an estimated cost of \$7.8 million to \$12.7 million, the Environmental Protection Agency announced Sept. 30....

### *Superfund*

#### **Superfund Litigation Tracker: Time Bar, Federal Leases**

The Ninth Circuit has put behind it the hotly contested issue of whether the federal hazardous waste law covers international aerial emissions. Next up?...

### *Sustainability*

#### **Agricultural Reform at Heart of Paris Climate Pact, UN Says**

Worldwide agricultural reform can help reduce the impacts of climate change and reduce greenhouse gas emissions, the head of the United Nations Food and Agriculture Organization told attendees at the FAO's five-day Committee on Agriculture,...

### *Sustainability*

#### **Consumer Companies Snap Up Sustainable Brands**

Consumer loyalty to products they think are healthier and more sustainable—and willingness to pay a premium for those products—is goosing acquisitions in the sector....

## **REGULATORY AGENDA**

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### **Comment Deadlines**

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Tuesday, October 11, 2016 • Number 196

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**NEWS**

*Air Pollution*

**EPA Picks Critic of Bush Ozone Limits to Advise on Air Rules**

The Environmental Protection Agency has named a Midwestern air official to a panel that advises it on clean air issues, despite objections by a Republican senator....

*Air Pollution*

**EPA Reconsiders Refinery Standards to Shore Up Rule**

The Environmental Protection Agency is reconsidering aspects of its recently issued toxic air pollutant standards for refineries in an effort to shore up the rule's legality, the petroleum industry said....

*Air Pollution*

**Newspaper Notification Requirements Revoked by EPA**

State and local permitting authorities will no longer be required publish newspaper notices about pending Clean Air Act permits, thanks to an Environmental Protection Agency rule change....

*Chemicals*

**Correction**

An Oct. 6 article about EPA's efforts to update the amended chemicals law inventory incorrectly described the agency's deadline to review confidential business information (CBI) requests companies make for chemical identities....

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### *Chemicals*

#### **Lost Wages Claims in Elk River Spill Cases OKed**

Eastman Chemical Co. must face lost wages claims in a class action stemming from a 2014 chemical spill in West Virginia, the Southern District of West Virginia ruled Oct. 6 (*Good v. Am. Water Works Co., Inc.*, S.D. W.Va., No. 14-cv-01374, 10/6/16)....

### *Chemical Testing*

#### **Animals, Costs Saved With Predictive Tools, Trade Group Says**

Cleaning product manufacturers prevented the sacrifice of more than 100,000 test animals and saved about \$50 million dollars in chemical testing costs by using predictive computer and analytic tools to provide data on high production volume...

### *Climate Change*

#### **Aviation Emissions Deal Could Be Model for Shipping: EU Official**

An international agreement on carbon-neutral growth for the aviation industry could prove a template for curbing greenhouse gas emissions from shipping, the European Union's top transportation official said Oct. 7....

### *Climate Change*

#### **FHWA Offers Advice on CEQ's NEPA-Climate Guidance**

Steps to help transportation agencies consider potential greenhouse gas emissions from highway projects and analyze how climate change might affect projects were outlined by federal highway officials in an Oct. 4 webinar....

### *Drinking Water*

#### **Emphasize Affordability in Drinking Water Plan, EPA Told**

The national drinking water action plan expected to be released this year by the EPA should strive not only for water that is clean and safe, but also for changes that are affordable for local governments, officials said Oct. 7....

### *Endangered Species*

#### **Pacific Bluefin Tuna Considered for U.S. Protections**

The Pacific bluefin tuna, a favorite target of much commercial and recreational fishing and a prized food in sushi restaurants, will be evaluated for possible protection under the Endangered Species Act, NOAA's National Marine Fisheries...

### *Hydraulic Fracturing*

#### **As Fracking Gets U.K. Nod, a U.S.-Inspired Boom Is Far Away**

Four wells are better than none if you are trying to assess whether your country could host the next shale boom—but it's not nearly enough....

### *International Climate*

#### **Airline Pollution Deal Hinges on World of Carbon Offsets**

The United Nations aviation climate accord hinges on creating a system requiring companies to spend billions of dollars to

protect forests, build solar farms and more. The trick will be ensuring those projects are legitimate....

#### *International Climate*

##### **Climate Pact Transparency May Spur Collaboration: Officials**

Transparency requirements included in the Paris Agreement set to take effect in November may spur additional action and collaboration in battling climate change, federal and state officials said Oct. 7....

#### *International Climate*

##### **Germany Says It May Miss Carbon Target, Days After Paris**

Germany, the biggest economy in Europe that spews the most greenhouse gas, says it will struggle to achieve voluntary emission cuts by the end of the decade....

#### *Natural Resources*

##### **Good Samaritan Bills Elusive Despite Gold King Mine Spill**

Good Samaritan legislation that would relieve those who clean up abandoned mines of third-party liability has been controversial despite heightened attention to the problem after the 2015 Gold King Mine spill, a Colorado mining official...

#### *Oil & Gas*

##### **EPA Agrees to Review Natural Gas Emissions Estimates**

The Environmental Protection Agency agreed to review and update, if necessary, its estimates of the level of ozone-forming pollution emitted from natural gas wells (Air Alliance Houston v. McCarthy, D.D.C., No. 1:16-cv-1998, 10/7/16)....

#### *Oil & Gas*

##### **Oil Clout Ebbs in Alaska as Billions in Tax Credits Trimmed**

Alaska and its drillers are drifting apart, four decades after the state unlocked America's biggest oilfield....

#### *Radioactive Waste*

##### **DOE Owes Entergy \$13.8M in Nuclear Waste Lawsuit: Court**

The Energy Department owes Entergy Nuclear Palisades LLC approximately \$13.8 million in damages for the department's failure to remove spent nuclear fuel from the Michigan-based nuclear power plant, according to a federal court...

#### *Renewable Energy*

##### **Merkel Lawmakers Sound Alarm as Clean Power Fees Poised to Climb**

A likely jump next year in the clean energy surcharge that Germans pay on electricity is rattling lawmakers in Berlin, who say higher fees could have been avoided by putting a brake on renewable energy....

#### *Toxic Substances*

## **Sweden Bans Glyphosate, POE-Tallowamine Combinations**

Sweden is banning herbicides containing combinations of glyphosate and POE-tallowamine, the nation's Chemicals Agency said Oct. 4. ...

## **REGULATORY AGENDA**

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*Air Pollution*

**EPA Overdue to Review Fairbanks Pollution, Lawsuit Says**  
Environmental groups ask a federal judge to set a deadline for the Environmental Protection Agency to review fine particle pollution in the Fairbanks North Star Borough in Alaska (Citizens for Clean Air v. McCarthy, W.D. Wash., No. 2:16-cv-01594,...

*Air Pollution*

**Texas Sues EPA Over Ozone Plan Denial**

Texas is suing the Environmental Protection Agency after the federal agency rejected the state's plan for preventing its emissions from hurting air quality in downwind states (Texas v. EPA, 5th Cir., No. 16-60670, 10/11/16)....

*Chemicals*

**Canada to Prohibit Flame Retardants, Repellents**

Canada is prohibiting or limiting the manufacture, use, sale or import of widely used flame retardants and water and grease repellents, citing their possibly harmful effects on human health and the environment....

*Chemicals*

**Five Chemicals Fast-Track by EPA for Possible Control**

Five chemicals that the Environmental Protection Agency says pose particular hazards due to how long they persist in the environment, how they bioaccumulate up the food chain and their toxicity are being fast-tracked for action to reduce...

#### *Climate Science*

##### **NOAA Sees Growing Demand for Environmental Data**

Growing demand for environmental information that can be used in economic decision-making has made the nation's provider of weather and climate data learn how to talk to a different audience: business....

#### *Drinking Water*

##### **Flint Crisis May Spur More State Tap Water Lawsuits: Cruden**

The drinking water crisis in Flint, Mich., could motivate more states to pursue legal actions to address high lead levels and other concerns in their own communities' tap water, the top Justice Department environment attorney told...

#### *Elections*

##### **Clinton, Gore Highlight Climate Change as Catalyst for Voters**

Climate change is one of the most important issues in the election, and voters should elect officials who want to do something about it, Hillary Clinton said at a rally in Miami on Oct. 11....

#### *Emissions Trading*

##### **UN Emission Credits Seem Set for Revival After 4-Year Slump**

The value of emission credits will probably increase after a United Nations climate meeting next month, according to a law firm specializing in clean energy and the environment....

#### *Energy*

##### **Crop Breeding, Automated Car Hold Climate Promise: Official**

A pair of new energy technologies aimed at taking carbon out of the air and improving fuel efficiency could wield a substantial impact on the future of the global energy and climate system, a top energy department official said Oct. 10. ...

#### *Energy Efficiency*

##### **Oil Glut Isn't Holding Back Energy Efficiency Gains: IEA**

The world is squeezing more from the energy it uses even though markets are awash in cheap oil and natural gas, a report from the International Energy Agency showed....

#### *Energy*

##### **Electric Car Battery Cost Plunge Could Reshape Industry**

Plunging battery costs will drive the auto industry's biggest change in more than a century, enabling a boom by 2030 in technologies from self-driving electric cars to ride-sharing applications....

#### *Enforcement*

##### **Methamphetamine Maker's Sentence in Waste Ruling Upheld**

A North Carolina man's 19 year sentence for the manufacture of methamphetamine will stand after the Fourth Circuit found sufficient evidence that he violated federal hazardous waste law (United States v. McGee , 2016 BL 332610, 4th...

#### *Enforcement*

##### **Volkswagen Approach May Be Used in Future Air Settlements**

A \$2 billion fund to promote zero-emission vehicles in the pending Volkswagen settlement could be a model for future Clean Air Act enforcement actions, a Justice Department official told Bloomberg BNA in a recent interview....

#### *International Climate*

##### **Refrigerant Deal Integral to Paris Climate Goals: Adviser**

An "ambitious" global deal to phase down use of potent climate pollutant hydrofluorocarbons would be "the most significant and important step the international community could take" to meet the goals of the Paris accord...

#### *Nanotechnology*

##### **Final Nanoengineered Chemicals Reporting Rule Under Review**

A final rule that would require companies making or using nanoengineered chemicals to provide the Environmental Protection Agency with basic volume and health effects information about those chemicals is under White House review. ...

#### *Oil & Gas*

##### **More Regulation of Oil, Gas Extraction Expected: Attorneys**

Resource extraction will probably be more heavily regulated in the near term, an energy attorney said during a panel session at the American Bar Association conference on environmental law in Denver. ...

#### *Oil & Gas*

##### **Protests Rise as Energy Transfer Works on Dakota Pipeline**

Energy Transfer Partners LP is moving forward with construction of the controversial Dakota Access Pipeline, rejecting the Obama administration's request that it voluntarily halt some work on the \$3.8 billion project....

#### *Pesticides*

##### **Environmentalists Challenge Dow Weed Killer in Court**

An environmental advocacy group has filed a lawsuit seeking a ban against a Dow Chemical Co. weed killer, the latest in a long string of suits challenging pesticides on Endangered Species Act grounds (Ctr. for Biological Diversity v. EPA , D.C....

#### *Pipeline Safety*

##### **Rule Expands Use of Devices in Gas Pipes to Avoid Explosions**

The use of safety devices, known as excess flow valves, installed on natural gas pipelines to reduce gas-related explosions has been expanded under an Oct. 11 Pipeline and Hazardous Materials Safety Administration final rule....

#### *Regulatory Policy*

##### **Monitoring Technology May Shift Company Action: EPA Official**

Advances in monitoring technology under the Environmental Protection Agency's "NextGen" initiative have the power to drive "significant" changes in company behavior, a top environmental official said Oct. 11....

#### *Regulatory Policy*

##### **Supreme Court Refuses Three Environmental Cases**

Federal regulators preserved victories in two disputes when the U.S. Supreme Court refused Oct. 11 to review cases on protections for a West Coast fish species and approvals for work on a ski resort in a national forest. But at the same time, the...

#### *Superfund*

##### **Mining Insurance Proposal Gets Review Amid Industry Concerns**

A financial assurance rule for the hardrock mining industry is undergoing White House review, paving the way for a formal proposal in the coming weeks, but mining interests are concerned about its impacts....

#### *Sustainability*

##### **Tyson Foods Looks Beyond Meat With New Investment**

One of the world's largest producers of chicken, beef and pork has invested in a company that is looking to replace animal protein with plant protein.. ...

#### *Taxes*

##### **VW Owners Urged to Mull Tax Effects of Emissions Buyback**

Volkswagen and Audi diesel car owners affected by the proposed settlement on diesel car emissions may want to consider the sales tax impact when deciding whether to take a buyback offer, keep their car or trade it in to a dealership, Connecticut...

#### *Water Pollution*

##### **Will Justices Review Question of Venue for Water Rule Case?**

Confusion over which federal court should hear challenges to the Clean Water Rule may provide incentive for the U.S. Supreme Court to resolve that question before it is asked to review the regulation on its merits, several attorneys told Bloomberg...

#### *Water Resources*

##### **Climate Change Set to Heat Up Water Litigation Area**

Climate change is going to heat up water rights litigation in upcoming years, including against the federal government, officials said Oct. 7....

#### **CORRECTION**

The Oct. 6 article "Bayer Risks Complex Toxics Liability in Monsanto Deal" should have stated that the World Health Organization found Monsanto's glyphosate pesticide is "probably" carcinogenic. Bloomberg BNA...

#### **REGULATORY AGENDA**

##### **Comment Deadlines**

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**NEWS**

*Chemicals*

**Chemchina's Syngenta Takeover Aligns With Mega-Merger**

China National Chemical Corp.'s potential merger with another state-owned enterprise isn't likely to derail the company's \$43 billion takeover of Swiss seed and pesticide maker Syngenta AG, according to analysts and...

*Climate Regulation*

**Agriculture Group Sues EPA on Aircraft Endangerment Finding**

Agriculture advocates urged a federal appeals court Oct. 14 to review the Environmental Protection Agency's recent finding that greenhouse gas emissions from aircraft endanger human health and the environment (Biogenic CO2 Coal....

*Climate Regulation*

**EPA Overstepping Authority to Foster Clean Power, Court Told**

The Environmental Protection Agency is overstepping its Clean Air Act authority to discourage construction of new coal-fired power plants in favor of cleaner generation sources the agencies prefers, opponents of carbon dioxide limits...

*Coal Mining*

**Grijalva: Reid's Departure Could Open Path for Mining Reform**

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The retirement of Senate Democratic leader Harry Reid (D-Nev.), coupled with a likely shift in the makeup of the House, could clear the way for royalty legislation to address abandoned mine cleanups in the next session of Congress, Rep. Raúl...

#### *Coal Mining*

**Lighthouse Resources Exits Columbia River Coal Project**  
Lighthouse Resources Inc. abandoned a proposal to construct a coal-export terminal on the Columbia River that had been denied a permit by state regulators, saying that it has instead begun exporting to South Korea through a port near Vancouver,...

#### *Drinking Water*

**Activists Press Court to Compel EPA Perchlorate Rule**  
The Natural Resources Defense Council wants a federal court in New York to compel the Environmental Protection Agency to regulate perchlorate in drinking water, according to a legal filing by the advocacy group Nat. Res. Def. Council v. EPA...

#### *Energy*

**China Mega-Merger Seen as Challenge to Oil-Refinery Giants**  
A merger of Sinochem Group and China National Chemical Corp. would create a new oil-refining challenger to established state-run behemoths that dominate the country's fuel-making business....

#### *Energy*

**France's Lowest Hydro Levels for 10 Years Add to Nuclear Woes**  
France's lowest water reservoir levels in a decade are helping to bolster power prices that are 50 percent above last year's levels even as a reduction in nuclear supply is expected to ease....

#### *Energy*

**Nuclear Power Is 'Unsung Hero' in Energy Mix: New NEI Chief**  
Ensuring the wholesale energy markets value nuclear energy for its zero-carbon emissions is the top priority for Maria Korsnick, the incoming president and CEO of the Nuclear Energy Institute.  
...

#### *Enforcement*

**Cement Plant Pollution Control May Fall Short of EPA Goal**  
The Environmental Protection Agency could fall well short of its goal to control air pollution from 85 percent of cement plants by the end of fiscal year 2016, according to preliminary data....

#### *Hydraulic Fracturing*

**Oil Companies Seek to Preempt Anti-Fracking Campaigns**  
Oil companies, including Anadarko and Whiting, are pushing a ballot measure to amend Colorado's constitution so that others would find it harder to do the same, a preemptive bid to discourage future campaigns against hydraulic fracturing....

### *Hydraulic Fracturing*

#### **Shale Coalition Sues Pennsylvania Over Gas Regulations**

A coalition of natural gas developers sued Pennsylvania over the state's new oil and gas regulations, arguing that several of its provisions are costly, unclear and unlawful and conflict with other statutes ( Marcellus Shale Coalition...

### *NAFTA*

#### **NAFTA Panel Awards Energy Company \$21M for Blocked Project**

A dispute resolution panel has awarded New York-based Windstream Energy LLP a record C\$28.1 million (\$21.4 million) for a project it couldn't build when Ontario imposed a 2011 moratorium on new offshore wind farms....

### *Oil & Gas*

#### **Federal Oil Lease Sales Moved Out of Harm's, Activists' Way**

Four auctions of federal oil and gas leases have been rescheduled for December with the proviso that they will be online auctions....

### *Pesticides*

#### **DuPont Seeks Buyer for Herbicides Unit to Ease Dow Merger**

DuPont Co. is planning to sell a business making herbicides to help reduce potential antitrust sticking points in a \$59 billion merger with U.S. competitor Dow Chemical Co., according to people with knowledge of the situation....

### *Pesticides*

#### **Scientific Review of Monsanto's Roundup Postponed by EPA**

The Environmental Protection Agency has postponed a scheduled meeting of a scientific panel that was reviewing the cancer-causing potential of the weed killer glyphosate, the most widely used pesticide in the world. ...

### *Pipeline Safety*

#### **Pipeline Regulator Offers Guidance for Firms on Fines**

Pipeline operators stand to see higher penalties but also more guidance about how they are determined, according to a notice by federal regulators....

### *Radioactive Waste*

#### **Government Owes Entergy \$34M for Not Storing Nuclear Waste**

The Energy Department owes Entergy Nuclear Indian Point 2, LLC approximately \$34.4 million in damages for the department's failure to remove spent nuclear fuel from the Indian Point Unit 2 reactor located outside of New York City (Entergy...

### *Renewable Energy*

#### **SolarReserve Planning World's Largest Solar Farm for \$5B**

A developer's closely held California renewable-energy project would become the world's largest solar farm in the Nevada desert, a \$5 billion project that would rival the capacity of two nuclear power plants....

#### *Trade*

##### **India 'Evaluating' Ruling That Solar Program Violates Trade Rules**

India said it is "evaluating" a recent World Trade Organization ruling that the country's domestic solar policies violated international trade rules and would inform the Geneva-based trade body whether it will comply within...

#### *Water Infrastructure*

##### **Water Infrastructure Program Rules Expected in November: EPA**

Rules to establish a water infrastructure program that could fund more than \$1 billion in projects nationwide could be issued before Thanksgiving, an Environmental Protection Agency lawyer said....

#### *Water Pollution*

##### **Montana Nutrient Plan for Waters Draws National Interest**

Concerns about the "chilling effect" of a federal lawsuit challenging Montana's flexible approach to meeting water quality standards for nutrients has prompted a municipal wastewater utility group to intervene on behalf...

## **SPECIAL REPORT**

#### *Climate Change*

##### **Delta Dilemma: Environmental Stresses Threaten Mighty Mekong**

Ky Quang Vinh recalls his childhood in the 1960s in Vietnam's Mekong Delta as an idyllic time, even under the cloud of war. When choppers weren't roaring overhead, when communists weren't toting arms to their southern strongholds,...

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### NEWS

#### *Chemicals*

#### **EPA Plans Three Chemical New Use Rules After Industry Objects**

The Environmental Protection Agency will propose new use rules for one carbon nanotube and two diisocyanates Oct. 27 after a trade association and law firm objected to the agency previously having issued the rules as direct final regulations....

#### *Chemicals*

#### **PODCAST: What the New Chemicals Law Means for You and Me**

This summer, Congress passed a major overhaul of the law that allows the EPA to regulate toxic chemicals, the Toxic Substances Control Act. The overhaul became law after years of tough political wrangling on Capitol Hill, and it was ultimately...

#### *Chemicals*

#### **Relevance of Rodent Tumors After Chemical Exposures Debated**

Chemical manufacturers and regulatory agencies are wrestling with questions about whether studies that find liver tumors in chemical-exposed rodents show people may get cancer if exposed to the same chemical. ...

#### *Climate Change*

#### **Exxon Suffers Fresh Setback in N.Y. Court in Climate Fight**

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Exxon Mobil Corp. suffered its second setback in three days in a New York court as a judge rejected its claim that audit documents sought in a climate change fraud probe were protected by a so-called accountant-client privilege (People of New...

#### *Drinking Water*

##### **Replacing All Lead Water Pipes Under EPA Consideration**

EPA wants to get the lead out. All of it. Replacing lead service lines in their entirety is among the regulatory options the Environmental Protection Agency is mulling as part of its upcoming revisions to the lead and copper rule....

#### *Endangered Species*

##### **Recovery Plan Imminent for Two Pacific NW Fish Populations**

The long-running tensions over hydroelectric dams and fish in the Columbia River and Snake River basins may be ratcheted up again Oct. 27 when the National Marine Fisheries Service releases its proposed recovery plan for two regional populations...

#### *Energy*

##### **Mexico Energy Reform Seen Adding \$1 Trillion to Economy by 2040**

The opening of Mexico's energy industry to private oil producers and power generators will add more than \$1 trillion to the country's economy by 2040, according to a report by the International Energy Agency....

#### *Energy*

##### **Power, Landfill Companies Face New Coal Ash Rules in Georgia**

Georgia Power's handling of coal ash will face another layer of oversight after state regulators passed rules to supplement federal coal-ash regulations, but environmental advocates say the state didn't go far enough....

#### *Enforcement*

##### **Environmental Crime Prosecutions Down by Half in Five Years**

Criminal prosecutions based on Environmental Protection Agency investigations are down by half compared to five years ago and at the lowest level in two decades, according to Justice Department data. ...

#### *Enforcement*

##### **EPA Opens Enforcement Inquiry Into Misuse of Dicamba**

A flurry of complaints of crop damage from misuse of herbicides containing Dicamba led the Environmental Protection Agency to open a criminal investigation in a four-county area of southeastern Missouri....

#### *Enforcement*

##### **Witnesses Freeze Up as Justice Seeks Prosecutions**

One year into the Justice Department's push to prosecute employees criminally for environmental and safety violations, workers are growing leery about sharing information with investigators, a panel of industry attorneys said...

#### *Hydraulic Fracturing*

##### **Anadarko Forges New Deal on Use of City Wastewater in Fracking**

Anadarko Petroleum Corp., has renegotiated the final annual payment it owes the city of Aurora, Colo., as part of a five-year, \$9.5-million contract allowing it to use the city's "used" water to frack oil and natural gas wells....

#### *Pesticides*

##### **Bayer Agrees to First-of-its-Kind Accord Over Pesticide Ads**

Global pesticide manufacturer Bayer CropScience LP will pay Massachusetts \$75,000 and change its advertising practices to settle allegations that it misled consumers about the risks its lawn and garden products pose to bees and the environment....

#### *Pesticides*

##### **House Committee Chair Sees Conspiracy in Glyphosate Delays**

The Republican leader of the House Science Committee is blaming a conspiracy of environmental activists and EPA staffers for delays in the agency's risk review of glyphosate, the active chemical in Monsanto's Roundup weed killer...

#### *Renewable Energy*

##### **Next U.S. Offshore Wind Farm Set for Lake Erie**

The next U.S. offshore wind farm in the U.S. will probably be almost 500 miles (800 kilometers) from the nearest ocean....

#### *Renewable Energy*

##### **Space Technology to Boost Lockheed Efforts in New Energy Frontier**

Lockheed Martin Corp. says engineering tidal turbines to withstand the relentless pounding of the Earth's oceans isn't much different than the machines it makes to survive the extreme conditions of outer space....

#### *Water Pollution*

##### **U.S. Given More Time to Defend Water Rule in Appeals Court**

A federal appeals court gave the Environmental Protection Agency and the U.S. Army Corps of Engineers nearly an extra month to file their defense of the Clean Water Rule....

#### *Water Resources*

##### **Water Releases Urged Along Part of Colorado River Delta**

A pilot program to release 340 billion gallons of water along the U.S.-Mexico border brought vegetation and bird life to normally parched areas of the Colorado River Delta, and the plan should continue as the countries negotiate renewal of...

## **SPECIAL REPORT**

### *Regulatory Policy*

#### **Courts, Not Congress, Must Repair Regulatory State: Senator**

Legislation to slow or stop the perceived onslaught of regulation from "unaccountable" federal agencies over the past eight years has consistently failed, but one Republican senator thinks he knows a better solution....

## **REGULATORY AGENDA**

### **Comment Deadlines**

**OCTOBER 26 FEDERAL REGISTER**

**OCTOBER 27 FEDERAL REGISTER**

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Duffy, Rick

From: [REDACTED] Ex 6  
Sent: Thursday, November 10, 2016 6:20 PM  
To: [REDACTED], Duffy, Rick Ex 6  
Cc: [REDACTED]  
Subject: FYI OPP approved dicamba for use on GM crops

## EPA Approves Herbicide Dicamba For Use On GM Crops

November 09, 2016

EPA has approved use of the decades-old herbicide dicamba on genetically-modified (GM) cotton and soybean crops in more than 30 states to help farmers combat growing weed resistance to glyphosate-based products, despite environmentalists' claims that the registration will increase use of an older, more toxic, herbicide and spur resistance. EPA Nov. 9 registered Monsanto's dicamba formulation Xtendimax with Vapor Grip for use on GM cotton and soybean crops, but included "very specific and rigorous" measures to prevent pesticide drift, such as occurred early this year in a series of incidents that the agency is investigating as pesticide misuse.

"This registration is for a formulation of dicamba that contains an additive that reduces volatility" and drift, EPA says in a Nov. 9 statement. "This final decision is designed to ensure that weed resistance is successfully managed, including reporting by the registrant to EPA of any suspected resistance, as well as remediation and grower education."

EPA registered the product despite environmentalists' criticism that allowing use of older herbicides on GM crops drastically increases use of more toxic substances. Advocates have argued that dicamba poses risks to endangered species, migratory birds, and pollinators, and that EPA's risk review ignored evidence of cancer risks to humans. The pesticide industry and state regulators have largely backed EPA's April 1 proposed registration and called for easing proposed use restrictions. But this summer, EPA officials pledged they would include strict precautions in any future registration after incidents of dicamba misuse damaged crops through pesticide drift.

In August, EPA issued a compliance advisory "High Number of Complaints Related to Alleged Misuse of Dicamba Raises Concerns." Agency officials have said the complaints involve use of generic dicamba products that are prone to moving off target to nearby fields through either spray drift or volatilization, and that those products were marketed for uses other than directly on GM cotton and soybeans.

The registration of the dicamba formulation is time limited, which will allow the agency to change the registration to address any problems that occur with either pesticide drift or resistant weeds. The registration includes a host of limits intended to prevent drift, including no aerial application, no application in winds greater than 15 miles per hour, as well as requirements for use of certain nozzles and buffer zones to prevent spray drift.

To address risk of weed resistance, EPA requires the pesticide registrant to report any suspected weed resistance to the agency, and also includes requirements for remediation and grower education.

[REDACTED] } EX 6  
[REDACTED]  
[REDACTED]  
Monitoring, Assistance & Media Programs Division  
Office of Compliance  
[REDACTED] EX 6

EX 6 = Exemption 6

Duffy, Rick

From: BNA Highlights <bhighlig@bna.com>  
Sent: Tuesday, December 13, 2016 10:16 PM  
To: Duffy, Rick  
Subject: Dec. 14 -- BNA, Inc. Daily Environment Report

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**NEWS**

*Air Pollution*

**China's Steel Mill Output Kept in Check by Pollution Probes**

China's steel mills were unable to grow supply in November to take advantage of higher prices as the top global producer began stringent environmental checks....

*Air Pollution*

**Transportation Guidance Won't Lead to Pollution Problems: EPA**

Updated guidance on modeling emissions from new transportation infrastructure projects will not hurt the ability of areas to meet national standards for particulate matter, the Environmental Protection Agency told a federal appeals court...

*Biotechnology*

**Brazilian Agency Approves Dicamba-Resistant GM Soy Seed**

Brazil's body for licensing genetically modified organisms approved the use of soy seeds developed by Monsanto that are resistant to the herbicide dicamba, a first in the country. ...

*Chemicals*

**Help on the Way for Navigating California Safe Products Rules**

California manufacturers and other regulated entities will soon get help navigating the evaluation processes required under

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rules intended to get harmful chemicals out of consumer products. ...

#### *Chemicals*

##### **Trade Groups Split on Chemicals, Trump's Pick for EPA**

Trade associations have divergent views on whether the doubts on climate change voiced by Scott Pruitt, President-elect Donald Trump's pick to lead the Environmental Protection Agency, may undermine public confidence in the scientific...

#### *Climate Change*

##### **Energy Dept. Rejects Trump Request to Name Climate Change Staff**

The Energy Department rejected a request from President-elect Donald Trump's transition team for the names of workers who played a role in implementing President Barack Obama's climate agenda....

#### *Climate Change*

##### **EU Reports Drop in Fluorinated Gases**

The European Union's production of, and trade in, fluorinated gases declined in 2015 when measured in terms of the global warming impact of the gases, according to a Dec. 13 analysis of data submitted under EU law....

#### *Climate Policy*

##### **Airline Demand for Carbon May Drop 66% if EU Adopts Global Deal**

Airline demand for carbon permits and credits will probably plunge by two-thirds if European regulators allow internal flights to be covered by a planned international accord on aviation pollution instead of the region's own emissions...

#### *Climate Regulation*

##### **February Argument Set for EPA Refrigerant Phaseout Rule**

A federal appellate court will hear argument Feb. 17, 2017, on an Environmental Protection Agency rule to phase out the use of some refrigerants that are also potent greenhouse gases (Mexichem Fluor, Inc. v. EPA, D.C. Cir., No. 15-1328, 12/13/16)....

#### *Climate Regulation*

##### **Oil, Gas Companies May Offer Methane Data Under EPA Proposal**

Oil and gas companies could set and disclose unique methane emissions reduction targets to the Environmental Protection Agency as part of a voluntary program's proposed information collection, a soon-to-be-published notice said....

#### *Coal Mining*

##### **Trump's Interior Pick Opposes Coal Leasing Rethink**

President-elect Donald Trump's reported choice to head the Interior Department signals that Trump is serious about ending the Obama administration's moratorium on federal coal leasing....



#### *Energy*

##### **Fewer Efficiency Standards Under Trump, Stakeholders Predict**

Energy efficiency standards—one of the hallmarks of the Obama administration's climate strategy—likely won't be pursued as energetically in the Trump administration, stakeholders predict....

#### *Energy*

##### **Germany's Next Nuclear Headache Is Over Cash or Reactor Life**

Germany faces a choice between extending the lives of reactors or paying hundreds of millions in cash to some of the nation's biggest utilities....

#### *Energy*

##### **Perry Said to Be Offered Energy Secretary's Position by Trump**

Donald Trump has chosen Rick Perry to be Energy Secretary, putting the one-time presidential candidate and former oil-state governor atop the agency charged with charting the nation's energy future, according to two people familiar...

#### *Energy*

##### **Rick Perry Leaves 'Mixed Legacy' of Oil, Gas, Wind in Texas**

Former Texas Gov. Rick Perry (R) pushed for investments that created the wind boom in Texas, but his support for fossil fuels leaves Texas energy observers questioning whether he would back renewables as Energy secretary....

#### *Energy*

##### **Tillerson Pick Stokes Concerns Over Energy-Heavy Diplomacy**

Global energy partnerships may eclipse bedrock humanitarian and development policy if oil mogul Rex Tillerson, President-elect Donald Trump's pick to head the State Department, is confirmed, lawmakers and former Obama administration...

#### *Energy*

##### **Trump's Pipeline Promises at the Mercy of Hard-to-Change Agency**

Donald Trump has said he'll speed up approvals for energy infrastructure projects when he gets to the White House. Standing at least partly in the way—a panel of officials he'll have little sway over....

#### *Hydraulic Fracturing*

##### **Basics of EPA Fracking Risk Report Changed Little, Critics Say**

An Environmental Protection Agency report on hydraulic fracturing does not change the assessment of fracking risks to drinking water in any basic way, an oil and gas association executive said Dec. 13....

### *Hydraulic Fracturing*

#### **EPA Toughens View of Fracking as Danger to Drinking Water**

The Environmental Protection Agency in a widely anticipated report Dec. 13 backed away from its earlier conclusion that hydraulic fracturing has not caused "widespread, systemic" damage to drinking water, drawing a swift...

### *International Issues*

#### **Trump Picks Exxon Mobil CEO Tillerson for Secretary of State**

Exxon Mobil Corp. Chief Executive Officer Rex Tillerson will be nominated as President-elect Donald Trump's secretary of state, setting up a potential confirmation battle with U.S. lawmakers who have questioned his relationship...

### *Natural Resources*

#### **Trump Said to Pick Former Seal, Montana Lawmaker for Interior**

President-elect Donald Trump has picked Montana Representative Ryan Zinke, a Republican who gets low marks from environmental groups but has bucked his party to protect public land, as his nominee for Interior secretary, according to two sources...

### *Oil & Gas*

#### **Exxon CEO-In-Waiting to Inherit Rex Tillerson's Mixed Legacy**

The man poised to replace Rex Tillerson as the leader of America's most influential energy giant helped transform Exxon Mobil Corp.'s refining business from a poor cousin of oil production to the primary profit...

### *Oil & Gas*

#### **Trump's State Pick Has Potential \$7B Conflict of Interest**

Donald Trump's nominee for secretary of state, Exxon Mobil Corp. Chief Executive Officer Rex Tillerson, heads a company that has won \$6.9 billion in U.S. federal contracts since fiscal 2006, according to Bloomberg Government's...

### *Oil & Gas*

#### **Trump's Tillerson Pick Gives Keystone XL Friend in Washington**

President-elect Donald Trump's plan to put a supporter of the Keystone XL pipeline into a crucial decision-making position may give the controversial pipeline a leg up....

### *Pesticides*

#### **Bayer-Monsanto Deal Bad for Farmers: Environmental Group**

Bayer AG's \$66 billion takeover of Monsanto Co. would increase the use of "dangerous toxic pesticides" and the Justice Department should block the deal, an environmental advocacy group told the government in a Dec. 12 letter....

### *Pesticides*

## **EU Panel Notes Progress on Glyphosate Hazard Assessment**

The European Chemicals Agency (ECHA) said it was on track Dec. 13 to deliver a recommendation by late 2017 on a European Union hazard classification for glyphosate, the active chemical in Monsanto's Roundup weed killer and the world's...

### *Pipeline Safety*

#### **New Jersey Utility Uses Google Car to Stop Gas Leaks for Less**

New Jersey's largest utility owner said it's plugging natural gas leaks faster and for less money by deploying a Google Street View car from Alphabet Inc. that can sniff out the fuel seeping from its pipeline system....

### *Renewable Energy*

#### **Climate Skeptic Perry Seen as Unlikely Ally to Clean Energy**

Rick Perry, said to be Donald Trump's pick to lead the U.S. Energy Department, has deep oil industry ties and longstanding doubts about global warming. Yet clean-energy advocates see a potential ally....

### *Renewable Energy*

#### **U.K. Tidal-Power Plan Put at Risk by Threat to Salmon and Trout**

U.K. plans to generate power by building a 1.3 billion pound (\$1.7 billion) tidal lagoon off the South Wales coast are in doubt after a government-backed body said the project could kill thousands of migratory fish....

### *Research*

#### **Monsanto CEO: Shareholders Approved Bayer Research Strategy**

Shareholders backing Bayer-Monsanto deal Dec. 13 in St. Louis reflects approval of the companies' belief that a combination will spur innovation and deliver new products faster, Monsanto CEO Hugh Grant said by phone. ...

### *Superfund*

#### **Montana Newspaper Can't Access Superfund Negotiations: Judge**

A Montana newspaper waited too long to seek access to confidential negotiations over the cleanup of the Anaconda Copper mining site, the U.S. District Court for the District of Montana said Dec. 7 (United States v. Atl. Richfield Co. , 2016 BL...

### *Water Pollution*

#### **Navajo Nation Seeks \$160 Million in Damages From Gold King Mine Spill**

The Navajo Nation is seeking \$160 million to offset damages and ongoing harm caused by the Environmental Protection Agency-triggered Gold King Mine spill in Colorado in 2015. ...



## REGULATORY A GENDA

### Comment Deadlines

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**From:** BNA Highlights <bhighlig@bna.com>  
**Sent:** Friday, December 16, 2016 9:51 PM  
**To:** Duffy, Rick  
**Subject:** Dec. 19 -- BNA, Inc. Daily Environment Report

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### NEWS

#### *Air Pollution*

#### **Decision Requiring EPA Jobs Review of Air Rules to Be Appealed**

The Obama administration said it will fight a federal court order requiring the Environmental Protection Agency to evaluate the job losses caused by its air pollution regulations....

#### *Biotechnology*

#### **Pink Pineapple Is Latest GMO Food Heading to U.S. Supermarkets**

The world's largest seller of pineapples is a step closer to offering a genetically modified pineapple with pink flesh....

#### *Chemical Security*

#### **EPA Pick Pruitt Strong Critic of Draft Chemical Plant Safety Rule**

President-elect Donald Trump's nomination of Oklahoma Attorney General Scott Pruitt (R) to head the Environmental Protection Agency could weaken safety standards at high-risk chemical plants as the agency delays finalizing the...

#### *Chesapeake Bay*

#### **Pennsylvania Farm Efforts for Cleaner Chesapeake Bay Tallied**

Pennsylvania farmers took action to prevent pollutants from entering the Chesapeake Bay, and now a public-private study

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has documented the role of these voluntary efforts for the first time....

#### *Climate Change*

##### **Saving Skiing: Three Men Bet Big on Climate Change-Proof Resort**

Ski-resort executives tend to hate climate change, for obvious reasons. Then there's Les Otten....

#### *Climate Regulation*

##### **Draft Massachusetts Rules Would Require Lower Emissions in 2018**

Massachusetts power plants and gas companies would be required to lower their greenhouse gas emissions by 2020 under draft regulations issued by the state Dec. 16....

#### *Drinking Water*

##### **Court Orders Flint to Continue Door-to-Door Water Delivery**

State and local officials in Flint, Mich., must continue delivering bottled water to vulnerable residents' homes, according to a Dec. 16 appeals court ruling (Concerned Pastors for Social Action v. Khouri, 6th Cir., No. 2:16-cv-10277,...

#### *Drinking Water*

##### **Prioritize Help for Cities Like Flint, Congressman Says**

Congress should consider directing more money to improvements in water infrastructure rather than climate issues, Rep. Jason Chaffetz (R-Utah) said Dec. 16 in a letter summarizing findings and recommendations from an investigation of...

#### *Energy*

##### **Energy Dept. Defends Environmental Review of Cove Point LNG**

The Energy Department said it couldn't forecast meaningful indirect environmental effects from exporting liquefied natural gas at Dominion Resources Inc.'s Cove Point export facility being built in Maryland (Sierra Club v....

#### *Energy*

##### **Expedited Gas Exports Poised to Rankle Russia**

An incoming business-friendly administration is poised to face a tough decision that strikes acutely at the intersection of diplomacy and economics: Will President-elect Donald Trump's administration speed up liquefied natural...

#### *Energy*

##### **Japan's Power Market Could Be World's Biggest, Energy Trader Says**

RWE AG, one of Europe's biggest power traders, said Japan's electricity market has the potential to be the biggest in the world. And it wants to play a role in making it happen....

#### *Energy*



## **Senate Democrats Seek Probe of Trump's Queries of Energy Staff**

Senate Democrats asked a U.S. investigative agency to determine whether a questionnaire sent to Department of Energy staff by President-elect Donald Trump's transition team violates federal law....

### *Oil & Gas*

## **Alberta Well Operators Must Provide Shallow-Depth Risk Assessments**

New applications for oil wells in an Alberta oil sands region with shallow-depth reservoirs now must include proof that rock above reservoirs can withstand pressure created during steam-assisted oil extraction in order to avoid leakage...

### *Oil & Gas*

## **Exxon Sees Global Energy Demand Increasing 25 Percent by 2040**

Exxon Mobil Corp. sees global energy demand expanding about 25 percent from 2015 to 2040, led by developing nations, the company said in its annual energy outlook....

### *Pesticides*

## **Future of Top Pesticide Uncertain After Grueling Cancer Review**

The future of glyphosate, the most widely used pesticide in the world, is uncertain after a grueling, four-day review of the Environmental Protection Agency's scientific evaluation of the chemical's cancer-causing potential....

### *Radioactive Waste*

## **Energy Dept. Outlines Plan for Defense Nuclear Waste Storage**

A Department of Energy repository for defense-related nuclear waste is taking shape in a draft plan that will involve consent-based mechanisms for selecting appropriate communities....

### *Renewable Energy*

## **Michigan Passes Major Energy Policy Overhaul**

The Michigan Legislature approved two bills that will shape for decades the state's energy policies, requiring increased use of renewable energy sources while empowering retail customer choice, and providing new business opportunities...

### *Renewable Energy*

## **Statoil Prevails in Bidding War for Long Island Offshore Wind**

Norway's Statoil ASA won a two-day auction to develop an offshore wind farm in New York, with a bid more than double recent prices for oil and natural gas leases in the Gulf of Mexico....

### *Renewable Energy*

## **U.K. Clean Energy Sector Shrinks After Government Subsidy Cuts**



The U.K.'s renewable and low-carbon energy sector shrank by 8.7 percent last year, partly because of cuts to subsidies....

#### *Solid Waste*

##### **U.K. Green Bank Invests in Welsh Energy From Trash Plant**

U.K. Green Investment Bank Plc said it will invest 35 million pounds (\$43.5 million) in an 18.8-megawatt energy-from-waste plant in North Wales....

#### *Superfund*

##### **Alcoa's Bid for Costs in Hazmat Case Nixed for Now**

Alcoa's bid to recover litigation costs and indemnification for claims related to cleanup at a contaminated New Jersey property were turned down Dec. 14 by a federal court in New Jersey (*Edgewater v. Waterside Constr., LLC*, 2016 BL 417152,...

#### *Toxic Substances*

##### **EU Moves to Close Loopholes on Mercury Ban**

European Union countries Dec. 16 signaled that they would back a regulation that will close a number of loopholes in EU laws on mercury, and will align the EU with the United Nations Minamata Convention on Mercury....

#### *Water Infrastructure*

##### **Water Infrastructure Bill Signed Into Law, Includes Flint Aid**

President Barack Obama Dec. 16 signed into law a water infrastructure bill that includes \$170 million to help Flint, Mich., deal with lead in its drinking water system and assist other communities facing similar emergencies....

#### *Water Pollution*

##### **New EPA Rule on Mercury Fillings Leaves Some Grinning**

Mercury-laden fillings from dental offices that have sometimes ended up being flushed down the drain won't be regulated as industrial releases of pollution under a new Environmental Protection Agency final rule. ...

#### *Water Pollution*

##### **Rio Surrenders on Olympic Pledge as Bay Cleanup Workers Fired**

A \$450 million loan agreement with the Inter-American Development Bank to build the infrastructure needed to collect and treat sewage will expire in March and the Brazilian Treasury won't allow its extension, according to Rio's...

#### *Water Resources*

##### **Corps of Engineers Rule May Reduce Water Disputes, Per Adviser**

The U.S. Army Corps of Engineers wants to avert some conflicts over water by clarifying its authority to allow access to water in reservoirs it manages. ...

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